

**ENTERED**

April 12, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JOSE F. GARZA,

Plaintiff,

VS.

MCCONNELL UNIT,

Defendant.

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CIVIL NO. 2:16-CV-225

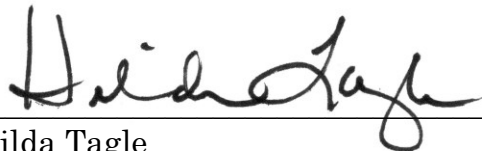
**ORDER**

The Court has received the Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred (Dkt. No. 26) and Plaintiff’s objections to the M&R (Dkt. No. 27).

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R (Dkt. No. 26) and **DISMISSES WITH PREJUDICE** Plaintiff’s complaint for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and the Court therefore **DIRECTS** the Clerk of the Court to send notice of this dismissal to the Manager of the Three-Strikes List for the Southern District of Texas at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov).<sup>1</sup>

Final Judgment will be entered separately.

SIGNED this 11th day of April, 2018.



Hilda Tagle  
Senior United States District Judge

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<sup>1</sup> The Magistrate Judge’s M&R recommends that notice of this dismissal be sent by mail to Betty Parker in the Eastern District of Texas Clerk’s Office. The Court modifies the recommendation to conform to current Southern District of Texas practice regarding the Three-Strikes List.